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Honorable Judge Christopher M. Alston
Chapter 13
Location: Seattle
Hearing Date: January 10, 2019
Hearing Time: 9:30 a.m.
Response Due: January 3, 2019

IN THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

In re

YUDID HERNANDEZ

Debtor(s).

Case No.: 18-13998-CMA

**OBJECTION TO CONFIRMATION OF
CHAPTER 13 PLAN FILED NOVEMBER
2, 2018 AND PROOF OF SERVICE
THEREOF**

Creditor Lakehaven Water and Sewer District ("Lakehaven") hereby files this Objection to Confirmation ("Objection") of the initial Chapter 13 plan ("Plan"), *ECF Dkt. No. 12*, filed by Yudid Hernandez (Debtor) as follows:

1. The Plan does not provide for ongoing payments to Lakehaven for ongoing charges. Pursuant to the Local Bankruptcy Rules for the Western District of Washington ("LBR") the ongoing payments must be made through the Chapter 13 Trustee as Debtor was delinquent on her ongoing obligations to Lakehaven as of the commencement of the case under LBR 3015-1(j). Debtor's pre-petition delinquency is shown on the proof of claim filed by Lakehaven in this case. *See Proof of Claim No. 3.*
2. The Plan misstates Debtor's delinquency prior to the commencement of the case. While the amount in the Plan is higher, the Plan should be amended to reflect the actual pre-petition delinquency for purposes of evaluating feasibility.
3. The Plan appears to be underfunded based on the figures in the proof of claim filed by Seterus on behalf of the Federal National Mortgage Association (Claim No. 4). Debtor's

1 proposed monthly payment in the plan is not sufficient to cover the treatment of Claim
2 No. 4. Because the plan is not feasible, it is unconfirmable.

- 3 4. The Plan fails to provide for post-petition interest on the pre-petition obligation. The
4 Plan will need to be amended to provide for 12% statutory interest on the pre-petition
5 delinquency.

6 WHEREFORE Lakehaven requests this Court enter an order denying confirmation of the
7 Plan, and requiring Debtor to file a feasible amended plan within 14 days of the entry of the
8 order denying confirmation.

9 DATED this January 2, 2019.

10
11 **SCHWEET LINDE & COULSON, PLLC**

12 /s/Michael M. Sperry

13 Michael M. Sperry, WSBA #43760

14 Attorney for Lakehaven Water and Sewer District

15 **CERTIFICATE OF SERVICE**

16 I, Michael M. Sperry, hereby certify that, on the date below, a true and correct copy of the
17 foregoing document will be delivered to the following by the Court's CM/ECF system:

18 Christina L Henry on behalf of Debtor Yudid Hernandez
mainline@hdm-legal.com, HenryDeGraaffPS@jubileebk.net

19 Lesley Lueke on behalf of Interested Party Courtesy NEF
20 ecfwawb@aldridgepите.com, llueke@ecf.inforuptcy.com

21 United States Trustee
22 USTPRegion18.SE.ECF@usdoj.gov

23 Jason Wilson-Aguilar, Chapter 13 Trustee
courtmail@seattlech13.com

24 Signed at Seattle, Washington on January 2, 2019.

25 /s/ Michael M. Sperry

26 Michael M. Sperry